

## **REMARKS**

### **Claim Objections**

The Examiner has objected to claims 8, 10-11, 14 and 16 because of informalities. Applicants have amended claims 8-10 and 13-16 to overcome these objections. As such, Applicants respectfully request the removal of the objections to claims 8, 10-11, 14 and 16.

Applicants have also amended claims 3, 4, 10 and 12 to correct typographical errors, and respectfully submits that these claims stand in condition for allowance.

### **Claim Rejections – 35 U.S.C. § 102**

The Examiner has rejected claims 1, 3-4 and 7-8 under 35 U.S.C. § 102(e) as being anticipated by Yu (U.S. Patent 6,475,869).

Claim 1 includes the limitation “a film formed adjacent to said semiconductor body wherein said film produces a stress in said semiconductor body.”

Yu does not disclose a film formed adjacent to a semiconductor body wherein the film produces a stress in the semiconductor body. Yu discloses a channel region 41 comprised of material 38. (Col. 4, lines 62-64.) Semiconductor/germanium material 38 provides germanium for channel region 41. (Col. 4, lines 65-66.) The germanium in material 38 increases the carrier mobility for channel 41. (Col. 5, lines 1-5.) No mention is made of a film adjacent to the semiconductor/germanium material that produces stress in the semiconductor/germanium material.

Furthermore, the semiconductor/germanium material 38 cannot be the film of claim 1. Material 38 does not produce stress in an adjacent semiconductor body. Therefore, Yu does not anticipate claim 1 because Yu does not disclose a limitation included in claim 1.

Additionally, Yu is directed towards a double planar gate structure (Abstract), disclosing a cap layer 40 above the semiconductor body (Col. 5, lines 22-25). Therefore, Yu does not disclose a dielectric formed on top of and on laterally opposite sides of a semiconductor body.

Claims 3-4 and 7-8 are dependent on claim 1 and should be allowable for the same reasons as claim 1 stated above. Therefore, Applicants respectfully request withdrawal of the rejection of claims 1, 3-4, and 7-8 under 35 U.S.C. § 102(b) as being anticipated by Yu.

**Claim Rejections – 35 U.S.C. § 103**

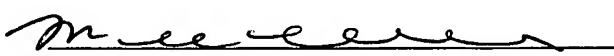
The Examiner has rejected claims 2 and 5-6 under 35 U.S.C. § 103(a) as being unpatentable over Yu (US Patent 6,475,869) in view of Maszara (US Patent 6,680,240). Applicants respectfully submit that the present claims are patentable over Yu and Maszara. As discussed above, Yu does not teach or suggest the limitations of independent claim 1. Applicants respectfully submit that Maszara also does not teach or suggest the claimed limitations that are missing in Yu. For example, Maszara is directed towards single gate devices, and therefore does not disclose a dielectric formed on top of and on laterally opposite sides of a semiconductor body. Therefore, neither Yu, nor Maszara, nor the combination thereof teach or suggest the claimed limitations of independent claim 1, upon which claims 2 and 5-6 depend. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 2 and 5-6 under 35 U.S.C. §103(a).

Pursuant to 37 C.F.R. 1.136(a)(3), Applicants hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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